

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re:

CELSIUS NETWORK LLC, et al.,

Post-Effective Date Debtors.

BARBER LAKE DEVELOPMENT LLC,

Plaintiff,

-v-

PRIORITY POWER MANAGEMENT, LLC,

Defendant.

Chapter 11

Case No. 22-10964-MG

(Jointly Administered)

Case No. 1:24-cv-07940-MKV

STIPULATION OF WITHDRAWAL OF MOTION FOR LEAVE TO APPEAL

WHEREAS the United States Bankruptcy Court for the Southern District of New York entered an Order Granting Defendant Priority Power Management, LLC's ("Defendant") Motion to Dismiss Counts IV and V of the Barber Lake Adversary Complaint in Adversary Proceeding No. 24-04010-mg, entitled *Barber Lake Development LLC vs. Priority Power Management, LLC* (the "Adversary Proceeding") on September 25, 2024 (the "Order");

WHEREAS Plaintiff Barber Lake Development LLC ("Plaintiff") and together with Defendant, the "Parties") filed a motion for leave to appeal the Order on October 9, 2024 (the "Motion"); and

WHEREAS the Parties have stipulated to the voluntary dismissal of the Adversary Proceeding with prejudice, including any claims, counterclaims or causes of action asserted, or that could have been asserted, by, between, and/or among the Parties;

IT IS HEREBY STIPULATED AND AGREED by and between the Parties, that the Motion is withdrawn and the above-captioned action is voluntarily dismissed with prejudice.

Dated: December 6, 2024
New York, New York

Respectfully submitted,

/s/ Thomas Ross Hooper

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CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2024, a true and correct copy of the foregoing was served on all counsel of record via ECF.

/s/ Scott R. Bowling
Scott R. Bowling